

116TH CONGRESS  
1ST SESSION

# H. R. 2413

To designate Nicaragua under section 244 of the Immigration and Nationality Act to permit nationals of Nicaragua to be eligible for temporary protected status under such section, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Mr. DIAZ-BALART (for himself and Ms. SHALALA) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To designate Nicaragua under section 244 of the Immigration and Nationality Act to permit nationals of Nicaragua to be eligible for temporary protected status under such section, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Nicaragua TPS Act  
5       of 2019”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1                         (1) Since April 18, 2018, protesters in Nicaragua have demanded transparent government without corruption, access to necessities such as food and medicines, and free, fair, multiparty elections.

5                         (2) The World Bank reported that Nicaragua's economy contracted by 3.8 percent in 2018, and expects the economic downturn to continue to an estimated decrease in growth of 5 percent in 2019.

9                         (3) The United States Department of State's Country Reports on Human Rights Practices for 2018 stated that between the protests of April 18, 2018, and late November 2018, at least 325 persons died, more than 2,000 were injured, and hundreds more were illegally detained and tortured, while more than 52,000 fled to neighboring countries.

16                         (4) The United States Department of State's Country Reports on Human Rights for 2018 stated that “[h]uman rights deteriorated markedly during the year. Issues included reports of unlawful or arbitrary killings committed by the government or its agents; forced disappearance by parapolice forces; torture; physical abuse, including rape, by government officials; and arbitrary arrest and detention. There were harsh and life-threatening prison conditions; political prisoners; arbitrary and unlawful in-

1           terference with privacy; arrests of journalists, cen-  
2           sorship, site blocking, and criminal libel; and sub-  
3           stantial interference with the rights of peaceful as-  
4           sembly and freedom of association, including attacks  
5           on the Roman Catholic Church and Church officials.  
6           The government stripped the legal status of several  
7           nongovernmental organizations (NGOs) and civil so-  
8           ciety organizations, seizing their assets and pre-  
9           venting them from operating. There was widespread  
10          corruption; trafficking in persons; attacks against  
11          lesbian, gay, bisexual, transgender, and intersex  
12          (LGBTI) persons; discrimination against ethnic mi-  
13          norities and indigenous communities; and child  
14          labor.”.

15           (5) On February 22, 2019, Michelle Bachelet,  
16           the U.N. High Commissioner for Human Rights,  
17           said, “I am deeply concerned about the apparent  
18           lack of due process and increasing criminalization of  
19           dissent in Nicaragua. The arrest and jailing of oppo-  
20           sition leaders, possibly in some cases as a reprisal  
21           for cooperating with the UN, clearly hinders the cre-  
22           ation of an environment conducive to holding a gen-  
23           uine and inclusive dialogue—which the Government  
24           says it wants. . . . I also call on the authorities to  
25           release all those deprived of their liberty in connec-

1       tion with their intrinsic right to peaceful protest and  
2       dissent, and to ensure people who cooperate with the  
3       UN and other human rights organizations do not  
4       face reprisals. It is a fundamental tenet of democ-  
5       racy that people from all parts of society should be  
6       able to engage freely in debate about the future of  
7       their country, without fear of arrest or intimida-  
8       tion.”.

9                     (6) On April 4, 2019, the Inter-American Com-  
10       mission on Human Rights of the Organization of  
11       American States condemned the human rights  
12       abuses perpetrated by the Ortega regime, stating  
13       that, “[t]he acts of repression in question include il-  
14       legal arbitrary arrests, the prohibition of all forms of  
15       social demonstration of protest, the refusal to re-es-  
16       tablish the legal status of civil society organizations,  
17       and the increasing repression of people who are  
18       being deprived of their liberty. The IACMR once  
19       more calls for repression in the country to cease and  
20       for public liberties to be restored.”.

21                     (7) International human rights groups such as  
22       Human Rights Watch, the Committee to Protect  
23       Journalists, and Reporters Without Borders have  
24       highlighted the Ortega regime’s efforts to silence  
25       independent media. For example, offices of Radio

1 Dario were burned down after the protests began in  
2 April 2018, Nicaragua's most widely read newspaper  
3 La Prensa's printing materials were confiscated in  
4 January 2019, and numerous journalists were ar-  
5 rested and imprisoned since the protests began,  
6 while death threats and other intimidation tactics  
7 have forced dozens of journalists to flee the country.

8 (8) In response to corruption and human rights  
9 abuses, the United States Department of Treasury  
10 has sanctioned six Nicaraguans for corruption and  
11 gross violations of human rights. Those sanctioned  
12 include the Vice President, who is the wife of cor-  
13 rupt President Daniel Ortega, as well as the former  
14 President of the Supreme Electoral Council, the Di-  
15 rector of the Nicaraguan National Police, a National  
16 Security Advisor to the President, the Political Sec-  
17 retary for the municipality of Managua, and the  
18 Treasurer of the Sandinista Party.

19 **SEC. 3. SENSE OF CONGRESS.**

20 It is the sense of the Congress that—

21 (1) Nicaragua's economic, humanitarian, and  
22 human rights crisis has resulted in extraordinary  
23 and temporary conditions that currently prevent  
24 Nicaraguan nationals from safely returning to Nica-  
25 ragua; and

**7 SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEMPORARY PROTECTED STATUS.**

**9**           (a) DESIGNATION.—

19       (b) ALIENS ELIGIBLE.—As a result of the designation  
20      tion made under subsection (a), an alien who is a national  
21      of Nicaragua is deemed to satisfy the requirements under  
22      paragraph (1) of section 244(c) of the Immigration and  
23      Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph  
24      (3) of such section, if the alien—

1                         (1) has been continuously physically present in  
2                         the United States since the date of the enactment of  
3                         this Act;

4                         (2) is admissible as an immigrant, except as  
5                         otherwise provided in paragraph (2)(A) of such sec-  
6                         tion, and is not ineligible for temporary protected  
7                         status under paragraph (2)(B) of such section; and

8                         (3) registers for temporary protected status in  
9                         a manner established by the Secretary of Homeland  
10                         Security.

11                         (c) CONSENT TO TRAVEL ABROAD.—

12                         (1) IN GENERAL.—The Secretary of Homeland  
13                         Security shall give prior consent to travel abroad, in  
14                         accordance with section 244(f)(3) of the Immigra-  
15                         tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to  
16                         an alien who is granted temporary protected status  
17                         pursuant to the designation made under subsection  
18                         (a) if the alien establishes to the satisfaction of the  
19                         Secretary of Homeland Security that emergency and  
20                         extenuating circumstances beyond the control of the  
21                         alien require the alien to depart for a brief, tem-  
22                         porary trip abroad.

23                         (2) TREATMENT UPON RETURN.—An alien re-  
24                         turning to the United States in accordance with an  
25                         authorization described in paragraph (1) shall be

1       treated as any other returning alien provided tem-  
2       porary protected status under section 244 of the Im-  
3       migration and Nationality Act (8 U.S.C. 1254a).

